

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re: ) CASE NO: 10-53354-659 Chapter 13  
ROY D MCMILLIN )  
 ) Trustee's Objection to Confirmation  
EARNESTINE G MCMILLIN )  
 ) Original confirmation hearing  
Debtor(s) ) set for Jan 06, 2011 11:00 AM

**TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN**

**COMES NOW** John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. The plan does not provide sufficient funds to pay all creditors entitled to full payment, including fair market value of secured claims and priority debts. 11 USC Secs. 1322(a)(2) & 1325(a)(5)(B)(ii)
2. The Trustee has not received a copy of the most recently filed Federal tax return.
3. The set monthly payments to be made by the Trustee exceed the plan payment.
4. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:  
A.5B REPAY PERIOD EXCEEDS PLAN DURATION.  
B.PLAN FAILS TO PROVIDE FOR COSIGNED DEBT TO BE PAID BY CODEBTOR PER DEBTORS' INTENT.
5. RE #2 LAST FILED 20 YEARS AGO.

**WHEREFORE** the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

Copy served on the following either  
through the Court's ECF system or by  
ordinary mail on December 16, 2010 :

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John V LaBarge Jr  
Chapter 13 Trustee  
P.O. Box 430908  
St. Louis, MO 63143 (314) 781-8100  
trust33@ch13stl.com Fax:(314) 781-8881

LEGAL HELPERS PC  
515 OLIVE ST  
STE 702  
ST LOUIS MO 63101

ROY D & EARNESTINE G MCMILLIN  
1404 JENNINGS RD  
PARK HILLS MO 63601